



Subject Access Request Policy

The Practice may be asked by members of the public to disclose information, documents or records held by the Practice. Requests for personal information are made under the Data Protection Act and for information about the NHS services provided by the Practice are made under the Freedom of Information Act; such requests may be legitimate.

All requests for access to personal information or information about the Practice (where this information is not readily available) should be passed to the Orthodontic Principal.

The following summary describes who can request information, how the request should be made and how the Practice will handle such requests.

Requests for personal information

Personal information is any information, note or record from which an individual can be identified. The individual does not have to be named but if they can be identified by cross-referencing the information with other data held by the Practice (a patient database, for example) the information is regarded as personal information.

The Data Protection Act allows individuals to request access to personal information about them. Those eligible to request access include:

- Any person aged 16 years or older
- A child under the age of 16 years who, in the considered opinion of the Orthodontic Principal has the capacity to understand the information held by the Practice.
- The parents or guardians of a child under the age of 16 years unless the child, in the considered opinion of the Orthodontic Principal has the capacity to understand the information held by the Practice. Children aged 11 years and under are too young to comprehend. The request should be for reasons connected to the health and welfare needs of the child and not in the interests of the parent, for example as part of divorce proceedings or separation disputes.
- A third party, such as a solicitor, who has the written consent of the person covered in the record. Checks must be undertaken to ensure that the consent is

genuine – for example, by checking the patient’s signature or contacting the patient directly to confirm that they have given consent for the information to be disclosed.

If a request for information concerns a deceased person, the information can be accessed by:

- The administrator or executor of the deceased person’s estate
- A person who has a legal claim arising from the person’s death – the next of kin, for example. The person should specify the nature of their legal claim and why the information requested is relevant to that claim.

Access to information can be denied if:

- Disclosure is likely to cause severe distress to the individual, for example, where the information relates to a person’s mental health or mental capacity. However, the disclosure of dental records is unlikely to cause severe distress
- The individual has made more than one request within a reasonably short timescale and the information has not changed significantly.
- Providing the information requested would require a disproportionate effort. Proportionality depends on the difficulty, time and cost involved with complying with the request, the size of the Practice and resources available, and the effect on the individual of not providing the information requested.

Records may include details about a third party, for example where they have provided information that forms part of the record. It may be reasonable to disclose details of a third party but it may be more appropriate to remove them (by redacting the relevant text).

Information about third parties (if it forms part of the record) can be disclosed where:

- The third party has given consent
- The third party is a health professional involved in the care of the individual
- There would be no prejudicial effect upon the third party

The request

The request must be made in writing (including by email) and the individual making the request should

- Describe the type of information that they require with specific dates, if possible
- Include, for example, their name, address, patient number to ensure correct identification.

You should be certain that the person asking for information has the right to request access to the records and, if necessary, ask them to provide proof of identity. If the individual is well known to the Practice – a utility bill with name and address may be sufficient. If, however the individual is not known well to the Practice – it will be a requirement to produce photographic evidence. i.e. Passport or Driving Licence.

The requested information will be provided within 40 days of receiving the original request or confirming the individual's identity and or from the receipt of the fee. It should be noted that if the individual has not paid the required fee, you will still be expected to provide the information within the 40-day period.

Charges for Data Protection requests

The following charges may apply for providing copies of records. These charges are based on employee time and the costs of copying or reproducing the records:

- £10 for records held on computer, or
- £50 for records held manually, including non-digital radiographs

The information provided

Generally, the individual will be given a permanent copy of the information requested as a photocopy of information held manually or a print-out of electronic information. Permanent copies will not be provided if the individual agrees to view the original version under Practice supervision. This should only be done on Practice premises to ensure that the integrity of the record is maintained and that confidential information about other people is not inadvertently disclosed.

The information will be supplied in an intelligible form. Where copies of orthodontic clinical notes are provided, these will be accompanied by an explanation.

Requests for information about the Practice

Any member of the public can request, under the Freedom of Information Act, information associated with the provision of NHS services. The available information is described fully in the Practice guide to information available under FOIA and the Publication Scheme located on our website www.wallaseyorthodontics.co.uk. Where the information requested as part of a larger document, only the relevant part will be disclosed.

Information that is exempt from disclosure under a FOIA request includes:

- Clinical records as they contain confidential personal information
- Financial records as they may prejudice sensitive commercial interests.

The Orthodontic Principal will confirm whether or not requested information is covered by an exemption.

The request

The request must be made in writing (including by email) and the individual making the request should

- Describe the type of information that they require with specific dates, if possible
- Include their name and address.

The individual making the request does not have to give a reason.

Details of charges for information provided under the Freedom of information Act are included in the Practice guide to Information available under FOIA and the model publication scheme which can be located on www.wallaseyorthodontics.co.uk

Information will be provided at a low cost or at no cost to the public within 20 working days of the original request or confirmation of identity or, if applicable, from the receipt of the fee. An extension may be possible if more information about the request is needed or legal advice on whether an exemption applies is being taken. The person requesting the information will be told about any extension to the 20-working-day deadline.

The information provided

Much of the information covered by the Freedom of Information Act is published in the Practice website. Requests for information that is not available in the Practice information leaflet or on the Practice website should be referred to Dianne Collins Registered Manager. If the Practice does not hold the information requested, the applicant will be informed within the 20 working day time limit.

Information will be provided in a way that is convenient for the person who requested it. This may in writing, by allowing the applicant to read it on the premises, or, if the information is held electronically, in a useable electronic format.

The Practice is not required to respond to vexatious requests for information, for example, requests designed to subject the Practice or its employees to inconvenience, harassment or expense. If you feel that a request is vexatious, you should discuss it with the Orthodontic Principal who will decide how to handle the matter.

The Practice is not required to respond to repeated requests for the same or similar information (unless the information changes regularly, for example performance or activity information). If you feel that a request is a repeated one, discuss it with the Orthodontic Principal who will decide how to handle the matter.

Approval

This Policy has been approved by the undersigned, and it will be reviewed on at least an annual basis and in particular in the event of an incident.

Name	Richard Gibson
Date approved	November 2018
Review date	November 2019